Customer No.: 23456

**REMARKS** 

In the Office Action of September 24, 2007, claims 1-5, 7-15, 17-34, 36-43, 45,

and 47-66 in this application were rejected under either 35 U.S.C. §102(e) or 35

U.S.C. §103(a). Claims 1-5, 7-15, 17-34, 36-43, 45, and 47-66 have been canceled.

Claims 6, 16, 35, 44, and 46 were previously canceled. Claims 67-83 have been

added. Applicant respectfully submits that claims 67-83 contain patentable subject

matter.

Claim 67

To simplify and focus the presentation, Applicant has canceled the previously

pending claims and added Claims 67-83. Independent Claim 67 incorporates many of

the inventive aspects of Independent Claims 1, 29, 40, 49, and 58.

Claim 67 states, in part, "a first electronics device [134] including . . . a first

network/electronics device interface module [176] connected between the first

electronics device network output interface [174] and the first electronics device

network input interface [172] and adapted to communicate over the data network;

a second electronics device [136] coupled to the first electronics device

network output interface [174]. . . so that the first and second electronics devices

can communicate directly without utilizing the data network or the gateway

 $[Pathway A], \dots$ "

a third electronics device [142] including a third electronics device network

input interface connected to the data network, the third electronics device adapted

Customer No.: 23456

to communicate over the data network with the first and second electronics devices

without utilizing the gateway [Pathway B]."

To clarify, the first, second, and third electronics devices can be any

electronics device such as an audio receiver, a CD player, a DVD player, a

television, a computer, a video game player, a legacy device, a telephone, a

consumer appliance, and/or speakers. (See Application, ¶ 380, 403, 427, and Fig.

11).

To elucidate one embodiment of the inventive topology described in Claim 67

and for illustrative purposes only, Applicant has appended the numerical

designations from Figs. 11 and 13, both of which are reproduced below with

highlighted portions reflecting the structure of the claim, to corresponding

features/elements in the claim language recited above.

Claim 67 permits the "first and second electronics devices [to] communicate

directly without utilizing the data network or the gateway" by the arrangement and

interaction between the first electronics device network output interface 174, the

first network/electronics device interface module 176, and the second electronics

device via "Pathway A". The structure forming "Pathway A" can be clearly seen in

Figs. 11 and 13. The direct communication between two devices that are part of a

communication system is very advantageous because such communication does not

burden or stress the data network or a gateway device. Reducing the burden on the

network and gateway permits increased performance of the system. Further, the

arrangement of Claim 67 also reduces the communication lag between the first and

Serial No.: 10/617,136 Filed: July 10, 2003 Customer No.: 23456

second electronics devices as a direct path is available. Communication lag can also deteriorate system performance.

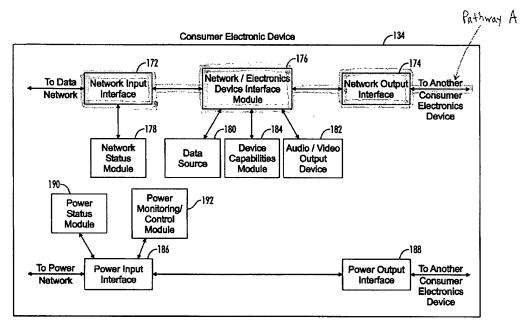
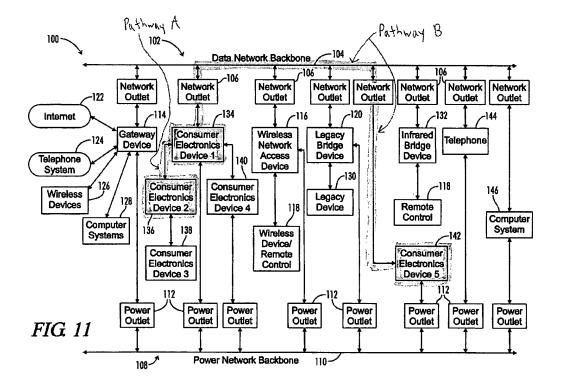


FIG. 13



Customer No.: 23456

Edson does not teach this architecture. Rather, Edson teaches an

arrangement in which all communications must be routed by a central mechanism,

e.g the gateway across a data network, as described in the following passages: "[t]he

router 103[, a component of the gateway,] provides packet-switched routing to and

from the various interfaces 121, 123 and 125, to enable communication between the

various devices within by [sic] the premises," see Edson, Col. 10, ln. 59-65; "a

gateway provides communications internal to a premises," see Edson, Col. 3, ln. 60-

61; "[t]he programming for the central processing unit controls the data

communications within the premises" see Edson, Col. 4, ln. 53-55.

Claim 67 also states that "the third electronics device [is] adapted to

communicate over the data network with the first and second electronics devices

without utilizing the gateway." The structure of Claim 67 allows a pathway

between two electronics that does not employ the gateway to facilitate the

communication. This structure is exemplified by "Pathway B" shown in Fig. 11

above. As already presented, Edson does not disclose or suggest such a feature and,

in fact, teaches that communications should go through the gateway so that they

can be properly routed. See Edson, Col. 4, ln. 53-55; Col. 3, ln. 60-61; Col. 10, ln.

59-65. Accordingly, Applicant respectfully submits that Claim 67 contains

patentable subject matter.

**Claims 68-83** 

Customer No.: 23456

Claims 68-83 are dependent back to patentability distinct Claim 67 and,

accordingly, Applicant respectfully submits Claims 68-83 contain patentable subject

matter and include features not disclosed in the prior art.

**Summary** 

Applicant has commented on some of the distinctions between the cited

references and the claims to facilitate a better understanding of the present

invention. This discussion is not exhaustive of the facets of the invention, and

Applicant hereby reserves the right to present additional distinctions as

appropriate. Furthermore, while these remarks may employ shortened, more

specific, or variant descriptions of some of the claim language, Applicant

respectfully notes that these remarks are not to be used to create implied

limitations in the claims and only the actual wording of the claims should be

considered against these references.

Accordingly, it is respectfully submitted that all pending claims 67-82 are in

condition for allowance.

Respectfully submitted,

Lucian Wayne Beavers

Registration No. 28,183

WADDEY & PATTERSON

A Professional Corporation

Customer No. 23456

ATTORNEY FOR APPLICANT

Serial No.: 10/617,136 Filed: July 10, 2003 Customer No.: 23456

Lucian Wayne Beavers Waddey & Patterson, P.C. Roundabout Plaza 1600 Division Street, Suite 500 Nashville, TN 37203 (615) 242-2400

## **CERTIFICATE OF FIRST CLASS MAILING**

I hereby certify that this REQUEST FOR CONTINUED EXAMINATION AND AMENDMENT IN RESPONSE TO FINAL OFFICE ACTION with Request for Extension of Time and check for \$1,270.00 are being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

on 2/22/08.

Claire Ulanoff

Date